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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,034	07/15/2003	Masahiko Nakano	116604	6393
25944	7590	03/23/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ZANELLI, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3661	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,034

Applicant(s)

NAKANO, MASAHIKO

Examiner

Michael J. Zanelli

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed 1/12/05. Claims 1-14 are pending.
2. The examiner wishes to clarify for the record comments made by the applicant relative to the interview held January 10, 2005. In sections IV and V applicant states that the examiner agreed the cited patents did not teach or suggest the use of aerial or satellite photographs “as recited in claim 3” (Walker and Berstis) or “as recited in claims 1-3” (Ihara). The distinguishing language was presented in proposed changes to claims 1-3 during the interview. Thus the comments in sections IV and V should be relative to amended claims 1-3.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (2002/0177944) in view of Shimizu et al. (5,396,431).

A. As per claims 1-3, Ihara discloses a navigation apparatus (Fig. 1) which may be disposed on a vehicle [0045]. Although the reference is primarily directed to creating the “main points” on a desired route to a destination (see Fig. 3B), Ihara also discloses how the created “main points” may be selected during vehicle operation to access related information about the point such as photographs [0017]. The points may be accessed by manual selection via a touch screen or through command buttons as well as displaying information based on the running movement of the vehicle [0044-0046].

B. Claims 1-3 have been amended to specify that the displayed photographs are aerial or satellite photographs. Ihara merely discloses that photographs may be displayed corresponding to the mark on the route [0017]. However, at the time of applicant's invention it was known in the art to utilize aerial or satellite photographs of points on a route to assist a user in navigation. For example, Shimizu shows in Fig. 6A an aerial or satellite photograph encompassing a point along a displayed navigation route (col. 6, lines 21-40). One of ordinary skill in the art would have found it obvious to utilize aerial or satellite photographs in the Ihara system because use of these type of photographs for this purpose were well-known in art as exemplified by Shimizu.

C. As per claims 7-11, as above wherein Ihara provides a touch screen with selection buttons to perform various display functions, including selecting a mark and displaying a photograph [0017]. In addition, Shimizu suggests means for enabling a user to switch between map display mode and aerial photograph mode. One of ordinary skill in the art would have found it obvious to provide such a button on the touch screen of Ihara to permit one to switch between the different display modes as claimed.

D. As per claims 12-14, as noted in paragraph A above Ihara is primarily directed to creating the "main points" on a desired route to a destination (see Fig. 3B) (i.e., creating the main points). Ihara also discloses how the created "main points" may be subsequently selected during vehicle operation to access related information about the point such as photographs [0017]. Thus, Ihara teaches both the creation of the main

points and the subsequent use of the created main points during navigation along the route.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara and Shimizu as applied to claim 3 above, and further in view of Walker et al. (6,199,014) and Berstis (6,182,010).

A. Ihara and Shimizu are applied as above. The subject matter of claims 4-6 is taught by Walker and Berstis as set forth in the previous Office action; namely, position information of the vehicle is correlated with the displayed images and displayed as the vehicle approaches a point on the route (i.e., intersection). See Walker: Fig. 4, col. 5, line 65 to col. 6, line 2; Berstis: Fig. 5, col. 5, line 54 to col. 6, line 2, col. 6, lines 43-45. One of ordinary skill in the art would have found it obvious to incorporate the teachings of Walker and Berstis into the combination of Ihara and Shimizu whereby the main points along the route would have been automatically selected based on the position of the vehicle relative to the point on the route and the relevant photograph displayed as claimed.

6. **REMARKS**

A. With regards to amended claims 1-3, Berstis and Walker disclose the use of perspective views relative to the driver and thus would not have suggested the use of aerial or satellite photographs. Thus one would not have found it obvious to modify these patents with the teachings of Shimizu.

B. With regards to claims 4-6, the teachings of Berstis and Walker would have been an advantageous feature in a navigation system whereby information about a

Art Unit: 3661

defined point (i.e., photograph) could be automatically accessed based on the position of the vehicle.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents disclose navigation systems which use "radio" buttons for selecting and changing displayed information (newly added claims 7-11).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz


MICHAEL J. ZANELLI
PRIMARY EXAMINER